IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6648 of 2007(N)

PETITIONERS:

---

1. P.J.SANGRY, STAFF NO.-06322,
   (RETD.D.G.M., ERNAKULAM SSA),
   32/2625 C, SRAMPICKAL, NANDANATH KOCHAKO ROAD,
   THAMMANAM, KOCHI-682 032.

2. M.P.S.NAMBEESAN, STAFF NO.-05658,
   RETIRED DE, B.S.N.L., `ANUPAMA',
   ATHANICKAL, NEAR KOYA ROAD JUNCTION,
   CALICUT-673 005.

BY ADV. SMT.LATHA PRABHAKARAN
SRI.K.H.SANOJ

RESPONDENTS:

---

1. THE UNION OF INDIA, REPRESENTED BY
   SECRETARY TO GOVERNMENT OF INDIA,
   DEPARTMENT OF TELECOMMUNICATIONS, SANCHAR BHAVAN,
   NEW DELHI-110 001.

2. THE CHAIRMAN & MANAGING DIRECTOR,
   B.S.N.L., STATESMAN HOUSE, BHARAKHAMBA ROAD,
   NEW DELHI-110 001.

3. THE CHIEF GENERAL MANAGER,
   OFFICE OF THE C.G.M.T., B.S.N.L.,
   P.M.G.JUNCTION, THIRUVANANTHAPURAM-33.

4. THE PRINCIPAL GENERAL MANAGER,
   B.S.N.L., B.S.N.L. BHAVAN, ERNAKULAM.

5. THE PRINCIPAL GENERAL MANAGER,
   B.S.N.L., CALICUT.

BY STANDING COUNSEL MR.S.K.BALACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

W.P.(C) No.6648 of 2007

Dated this the 28th day of February, 2007.

JUDGMENT

Heard Smt.Latha Prabhakaran, counsel for the petitioners and Sri.S.K.Balachandran, standing counsel for the respondents.

2. The limited prayer made by the petitioners is for consideration of Exts.P9 and P10 representations filed by them and pending with the first respondent. It is contended that notwithstanding the decision of the Supreme Court in the judgment reported in **Union of India** v. **Madras Telephone S.C. & S.T. Social Welfare Association** [(2000) 9 SCC 71] expressing a different view from the decision of the Allahabad High Court which decision was followed by the Central Administrative Tribunal,Ernakulam in rendering Ext.P1 judgment, the petitioners are entitled to seek the benefit of the order of the Supreme Court clarifying the effect of the judgment. Apprehending that the respondents would deny the petitioners the benefits which they are entitled to get, Exts.P9 and P10

representations have been filed.

3. I find no reason not to grant the limited relief prayer for by the petitioners. Hence, there shall be an order directing the first respondent to consider Exts.P9 and P10 representations and take appropriate decision as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this judgment. The petitioners shall be afforded an opportunity of being heard before orders are passed on Exts.P9 and P10.

The writ petition is disposed of as above. Petitioners shall produce a copy of the judgment and a copy of the writ petition before the first respondent for compliance.

K.K.DENESAN,
Judge.

vns.